



3628 #5
BT
10-20-03

Certification under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with The United States Postal Service with sufficient postage as first class mail in an envelope addressed to THE COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2003, 2003.

Brian W. Hameder (Reg. No. 45,613)
Name

Brian W. Hameder
Signature

DOCKET: CU-2867

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshio ANDO et al.

Serial No.: 10/070,743

Group Art Unit: 3628

Filed: March 11, 2002

Examiner:

For: PAINT MANUFACTURING METHOD, COATING METHOD, AND PAINT
MANUFACTURING DATA MANAGEMENT SYSTEM

THE COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

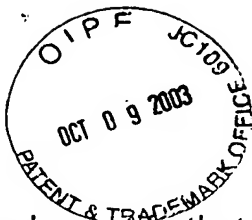
**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE
MONTHS OF THE INFORMATION BEING CITED IN A COUNTERPART FOREIGN
APPLICATION**

The information disclosure statement submitted herewith is being filed within three months of each item of information being first cited in a communication from a foreign patent office in a counterpart foreign application as provided under 37 CFR 1.97(e)(1).

Date: October 6, 2003

Brian W. Hameder
Signature of Attorney
Brian W. Hameder
Ladas & Parry
224 South Michigan Avenue
Chicago Illinois 60604
Tel. No. (312) 427-1300
Reg. No. 45613

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OCT 15 2003
GROUP 3600



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INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith patents, publications or other information of which the applicants are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose under 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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The references submitted herein are listed on PTO-1449 form (modified) enclosed herewith. A copy of each reference listed is being furnished except any duplicate or cumulative patents or publications specified otherwise.

A translation of any foreign language reference, if any, is indicated in PTO-1449 form and being submitted herein if it is readily available. Otherwise it should be construed that such translation is not readily available.

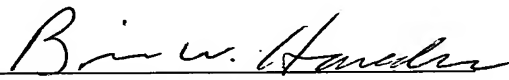
Additional comments, if any, on the relevance of each reference listed are provided as follows:

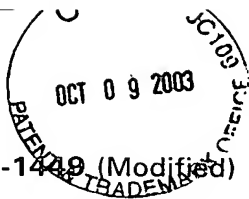
The Statement is made on the basis of the information:

<u> </u>	supplied by the inventor(s);
<u> X </u>	supplied by an individual associated with the filing and prosecution
<u> </u>	of this application (37 CFR 1.56(c)); or
<u> </u>	in the attorney's file.

Respectfully submitted,

Date: October 6, 2003


Signature of Attorney
Brian W. Hameder
Ladas & Parry
224 South Michigan Avenue
Chicago Illinois 60604
Tel. No. (312) 427-1300
Reg. No. 45613



Form PTO-1449 (Modified)

FORM PTO-1449

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(37 CFR 1.98(b))

ATTY. DOCKET NO.

2867

SERIAL NO.

10/070,743

APPLICANT

Yoshio ANDO et al.

FILING DATE

March 11, 2002

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER								ISSUE DATE	PATENTEE	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		6	2	5	6	0	6	2		03 July 01	Endo			

OREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAMINER INITIAL		DOCUMENT NUMBER								PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB- CLASS	TRANSLATION YES NO	
	EP	1	0	0	6	3	4	4		07 June 00	EPO				
	CN	1	1	7	9	6	7	6		22 April 98	China				X
	CN	1	1	1	9	9	6	5		10 April 96	China				X

OTHER DOCUMENTS (Including Author, Title, Date, Place of publication)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)

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THE STATE INTELLECTUAL PROPERTY OFFICE OF CHINA

Address: Receiving Department of The State Intellectual Property Office (SIPO)
6 Xitucheng Road, Haidian, Beijing

Postal Code: 100088

Applicant	Nippon Paint Co., Ltd.	Date of Issue: August 22, 2003
Patent Agent	Beijing Sanyou Intellectual Property Agency Ltd.	
Filing No. of Patent Application	01802013.5	
Title of Invention	Paint Manufacturing Method	

FIRST NOTIFICATION OF OFFICE ACTION (PCT APPLICATION ENTRY INTO THE NATIONAL PHASE)

- ☒ Upon the Request for Substantive Examination, the examiner has made the examination on the above cited patent application in accordance with the provision in paragraph 1, Article 35 of the Chinese Patent Law.
☐ The SIPO uses its own discretion to make a substantive examination for the above cited patent application on the basis of the provision in paragraph 2, Article 35 of the Chinese Patent Law.
- ☒ The applicant designated the filing date of
July 12, 2000 in the Patent Office of JP as the priority date;
March 29, 2001 in the Patent Office of JP as the priority date;
_____ in the Patent Office of _____ as the priority date;
- ☐ The following amended text(s) is not in conformity with the provision of Article 33 of the Chinese Patent Law and therefore is (are) unacceptable:
☐ Chinese translation of Annexes to the IPE Report.
☐ Chinese translation of the amendment under Article 19 of PCT.
☐ The amendment under Article 28 or 41 of PCT.
☐ The amendment under Rule 51 of the Implementing Regulations of the Chinese patent Law.
The reason why the amendment is not accepted is, in details, shown in the attachment sheet.
- ☒ Examination is made based on Chinese translation of PCT appln. as originally filed.
☐ Examination is made based on the following documents:
☐ the description, pages_____, as indicated in Chinese translation of PCT appln. as originally filed;
pages_____, as indicated in the Chinese translation of the annexes to IPE Report;
pages_____, as indicated in the amendment under Article 28 or 41 of PCT;
pages_____, as indicated in the amendment under Rule 51 of the Implementing Regulations of the PRC Patent Law.
☐ the claims, claims_____, as indicated in Chinese translation of PCT appln. as originally filed;
claims_____, as indicated in Chinese translation of the amendment under Article 19 of PCT;
claims_____, as indicated in the Chinese translation of the annexes to IPE Report;
claims_____, as indicated in the amendment under Article 28 or 41 of PCT;
claims_____, as indicated in the amendment under Rule 51 of the Implementing Regulations of the PRC Patent Law.
☐ the drawings, pages_____, as indicated in Chinese translation of PCT

pages_____, appln. as originally filed;
as indicated in the Chinese translation of the
annexes to IPE Report;
pages_____, as indicated in the amendment under Article
28 or 41 of PCT;
pages_____, as indicated in the amendment under Rule
51 of the Implementing Regulations of the
PRC Patent Law.

5. ☒ The following reference materials have been cited in this notification (their serial numbers will be referred to in the following procedure):

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	EP1006344A1	2000-6-7
2	CN1179676A	1998-4-22
3	CN1119965A	1996-4-10
4		

6. The conclusion of the examination:

☐ In regard to the description:

- ☐ The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.
☐ The description is not in conformity with the provision of paragraph 3, Article 26 of the PRC Patent Law.
☐

☒ In regard to the Claims:

- ☐ Claims_____can not be allowed because they fall in the scope of the unpatentable subject matters provided by Article 25 of the PRC Patent Law.
☐ Claims_____can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of PRC Patent Law.
☒ Claims 16-19 can not be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of PRC Patent Law.
☐ Claims_____can not be allowed owing to lack of practical applicability based on the provision of paragraph 4, Article 22 of PRC Patent Law.
☐ Claims_____can not be allowed based on the provision of paragraph 4, Article 26 of PRC Patent Law.
☐ Claims_____can not be allowed based on the provision of paragraph 1, Article 31 of PRC Patent Law.
☐ Claims_____can not be allowed based on the provision of Rules 20 to 23 of the Implementing Regulations of the PRC Patent Law.
☐ Claims_____can not be allowed based on the provision of Article 9 of PRC Patent Law.
☐ Claims_____can not be allowed based on the provision of paragraph 1, Rule 12 of the Implementing Regulations of the PRC Patent Law.
☒ Claims 1-15 is not accepted based on the Article 25 of the PRC Patent Law.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, the examiner holds that

- ☐ the applicant should amend the application documents based on the requirement specified in the Attachment Sheet.
☐ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.
☒ No subject matter in the application is patentable, said application will be rejected if

☐ the applicant does not make a statement or the statement is not convincing.

8. The applicant's attention is drawn to the fact that

- (1) in accordance with the provision of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within **FOUR** months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) the amendment that shall be in conformity with the provision of Article 33 of the Chinese Patent Law. The amended text shall be furnished in duplicate. The formality of the amendment should be in conformity with the relevant provisions of the Guidebook for Examination.
- (3) any response and/or amended specification must be furnished by mail or by hand to the Receiving Department of the SIPO. Any documents that are not furnished to the Receiving Department do not have legal effect.
- (4) the applicant and/or his attorney should not go to the PRC Patent Office to meet the examiner if no appointment is made.

9. The text of the notification embraces 6 page(s), along with the enclosures herein:

☒ 3 copy of the Cited references are enclosed in pages of 60.

Examination Department No.

Name of Examiner

Stamp